

AGENDA ITEM NO.

COUNCIL MEETING
APPROVED BY
DEPARTMENT DIRECTOR

CITY MANAGER

February 27, 2007

FROM: JON R. RUIZ, Interim Public Works Director
Public Works Department

BY: SCOTT L. MOZIER, PE, Assistant Public Works Director
Public Works Department, Engineering Services

SUBJECT: ADOPT RESOLUTION DEDICATING CERTAIN CITY-OWNED PROPERTY
FOR PUBLIC STREET AND UTILITY PURPOSES (LOCATED IN COUNCIL
DISTRICT 5)

KEY RESULT AREA

Customer Satisfaction

RECOMMENDATION

It is recommended that the Council adopt the attached resolution dedicating easements over certain City-owned property for public street purposes and public utility purposes.

EXECUTIVE SUMMARY

KB Homes is developing Tract No. 5235 northeasterly from the intersection of Peach and Church Avenues. The City of Fresno owns a well site at the northeast corner of that intersection. KB Homes will be constructing street improvements to the ultimate right-of-way at that corner and the City owns the underlying fee title to a portion of Peach Avenue adjacent to the well site that must be dedicated for public street purposes to accommodate the proposed street construction. A public utility easement must also be dedicated over a portion of the well site in order to accommodate the installation of utilities that are to serve Tract 5235 and the surrounding neighborhood.

KEY OBJECTIVE BALANCE

The proposed dedication balances the key objective of Customer Satisfaction. The proposed dedication provides for Customer Satisfaction by providing public street and utility easements to accommodate the development of Tract No. 5235.

BACKGROUND

KB Homes is developing Tract 5235 northeasterly from the intersection of Peach and Church Avenues. The City of Fresno owns a well site at the northeast corner of that intersection.

Report to the City Council
Adopt Resolution Dedicating Certain City-Owned Property
for Public Street and Utility Purposes – Peach and Church Avenues
February 27, 2007
Page 2

KB Homes will be constructing street improvements to the ultimate right-of-way at that corner and the City owns the underlying fee title to a portion of Peach Avenue adjacent to the well site that must be dedicated for public street purposes to accommodate the proposed street construction. A public utility easement must also be dedicated over a portion of the well site in order to accommodate the installation of utilities that are to serve Tract 5235 and the surrounding neighborhood. The required dedications are described on Exhibit "A" and "C" and shown on Exhibits "B" and "D" of the attached resolution. Public Works has approved the legal descriptions of the subject easements.

The attached resolution has been approved as to form by the City Attorney's Office.

FISCAL IMPACT

None.

JRR/SLM/AJ/eam
Adopt Reso Dedic Public Str & Utility Purp Peach-Church 2-27-07

Attachment: Resolution

Recording Requested By:
Public Works Department
City of Fresno
No Fee-Gov't. Code Sections
6103 and 27383

When Recorded, Mail To:
City Clerk
City of Fresno
2600 Fresno Street
Fresno, CA 93721-3623

SPACE ABOVE THIS LINE FOR RECORDER'S USE

APN 481-020-51ST(portion)

RESOLUTION NO. _____

**A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO,
CALIFORNIA, DEDICATING CERTAIN CITY-OWNED PROPERTY
AS EASEMENTS FOR PUBLIC STREET PURPOSES AND
PUBLIC UTILITY PURPOSES**

WHEREAS, KB Homes is developing Tract No. 5235 northeasterly from the intersection of Peach and Church Avenues; and

WHEREAS, the City of Fresno owns a well site at the northeast corner of that intersection; and

WHEREAS, KB Homes will be constructing street improvements to the ultimate right-of-way at that corner and the City owns the underlying fee title to a portion of Peach Avenue adjacent to the well site that must be dedicated for public street purposes to accommodate the proposed street construction; and

WHEREAS, a public utility easement must also be dedicated over a portion of the well site in order to accommodate the installation of utilities that are to serve Tract 5235 and the surrounding neighborhood; and

WHEREAS, the required dedications are described on Exhibits "A" and "C" and shown on Exhibits "B" and "D" of the attached resolution, which are attached and incorporated by reference; and

WHEREAS, Public Works has approved the legal descriptions of the subject easements.

NOW, THEREFORE, BE IT IS RESOLVED BY THE COUNCIL OF THE CITY OF FRESNO AS FOLLOWS:

1. That certain City-owned property described in attached Exhibit "A" and shown on attached Exhibit "B" is hereby dedicated as an easement and right-of-way for public street purposes.

2. That certain City owned property described in attached Exhibit "C" and shown on attached Exhibit "D" is hereby dedicated as an easement and right-of-way for public utility purposes.

3. Nothing contained in this resolution shall be deemed or interpreted by any party to cause any interest created in the public pursuant to this resolution to ripen into any title, interest or right of the public against or adverse to the rights of the City of Fresno nor shall this resolution limit, restrict or modify the exemption of public property to title by prescription as defined within California Civil Code Section 1007.

4. The City Clerk of the City of Fresno shall certify to the passage of this resolution and attest thereto under the seal of the City of Fresno.

5. The City Engineer shall cause a City deed number to be assigned to this Resolution and shall cause this Resolution to be recorded in the Office of the Recorder of the County of Fresno, California. The original Resolution shall be returned to the City Clerk after recordation and a certified copy thereof shall be filed in the Public Works deed file.

CLERK'S CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF FRESNO)
CITY OF FRESNO)

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing Resolution was adopted by the Council of the City of Fresno, California, at a regular meeting thereof, held on the _____ day of _____, 2007.

AYES:
NOES:
ABSTAIN:
ABSENT:

Mayor Approval: _____, 2007
Mayor Approval/No Return: _____, 2007
Mayor Veto: _____, 2007
Council Override Vote: _____, 2007

REBECCA E. KLISCH
City Clerk

BY: _____, Deputy

APPROVED AS TO FORM:

CITY ATTORNEY'S OFFICE

By:  2-15-07
Deputy

Reso Ded Prop for Public Str & Util Purposes 2-27-07

2006-188
PLAT 2964
15-A-8189 & 8190

EXHIBIT "A"
Public Street Easement

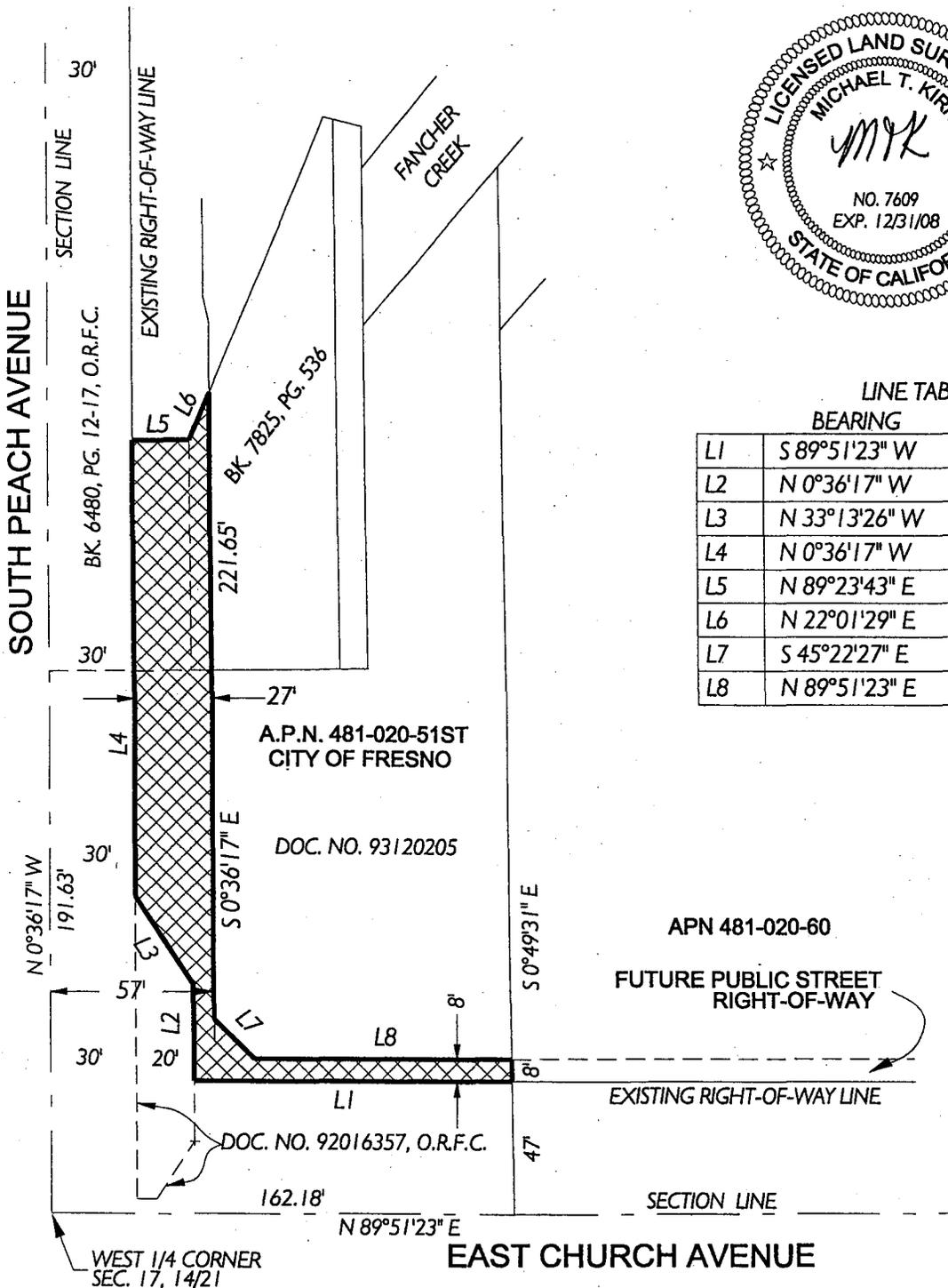
COMMENCING at the West Quarter-Corner of Section 17, Township 14 South, Range 21 East, Mount Diablo Base and Meridian, according to the Official United States Government Township Plat thereof; thence N 89°51'23" E, along the south line of the Northwest Quarter of said Section 14, a distance of 162.18 feet to the southerly prolongation of the east line of that certain Parcel of land conveyed to the City of Fresno by a Grant Deed recorded August 10, 1993 as Document No. 93120205, Official Records of Fresno County; thence N 0°49'31" W, along said southerly prolongation, a distance of 47.00 feet to the southeast corner of said Parcel of land, said southeast corner also being the TRUE POINT OF BEGINNING of this description; thence S 89°51'23" W, along the south line of said Parcel and along the north right-of-way line of East Church Avenue, a distance of 112.00 feet to the east line of a Deed of Easement for public street purposes recorded February 11, 1992 as Document No. 92016357, Official Records of Fresno County; thence N 0°36'17" W, along said east line, a distance of 34.33 feet; thence N 33°13'26" W, along the northeasterly line of said Easement described in said Document No. 92016357, a distance of 37.10 feet to the east right-of-way line of South Peach Avenue as described in a document recorded September 6, 1975 in Book 6480, Pages 12 through 17, Official Records of Fresno County; thence N 0°36'17" W, along said east right-of-way line and parallel with and 30.00 feet east from the west line of said Northwest Quarter, a distance of 161.11 feet; thence N 89°23'43" E, a distance of 20.00 feet to an angle point in the boundary of that Real Property conveyed to the City of Fresno by a Grant Deed recorded December 7, 1981 in Book 7825 at Page 536, Official Records of Fresno County; thence N 22°01'29" E, along the northwesterly line of said Real Property, a distance of 18.19 feet; thence S 0°36'17" E, parallel with and 57.00 feet east from the west line of said Northwest Quarter a distance of 221.65 feet; thence S 45°22'27" E, a distance of 19.72 feet; thence N 89°51'23" E, parallel with and 8.00 feet north from the south line of said Parcel described in said Document No. 93120205, a distance of 91.08 feet to the east line of said Parcel; thence S 0°49'31" E, along last said east line, a distance of 8.00 feet to the TRUE POINT OF BEGINNING.

Contains an area of 6,117 square feet, more or less.



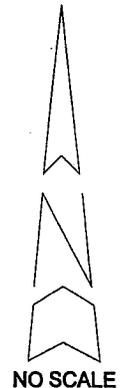
2006-188
15-A-
COF STREET DESCRIPTION FOR RESO.wpd

EXHIBIT "B"



LINE TABLE

	BEARING	LENGTH
L1	S 89°51'23" W	112.00'
L2	N 0°36'17" W	34.33'
L3	N 33°13'26" W	37.10'
L4	N 0°36'17" W	161.11'
L5	N 89°23'43" E	20.00'
L6	N 22°01'29" E	18.19'
L7	S 45°22'27" E	19.72'
L8	N 89°51'23" E	91.08'



 INDICATES AREA TO BE DEDICATED
6,117 S.F. ±

X:\DATA\T5235\302200 COF STREET DC.dcd

REF. & REV. 2006-188 PLAT 2964	CITY OF FRESNO DEPARTMENT OF PUBLIC WORKS	PROJ. ID. _____ FUND NO. _____ ORG. NO. _____
	CITY-OWNED PROPERTY TO BE DEDICATED FOR PUBLIC STREET PURPOSES	DR. BY <u>DHC</u> CH. BY <u>AJ</u> DATE <u>JULY 5, 2006</u> SCALE <u>NO SCALE</u>
		SHEET NO. <u>1</u> OF <u>1</u> SHEETS 15-A-8189

EXHIBIT "C"
Public Utility Easement

APN 481-020-51ST (portion)

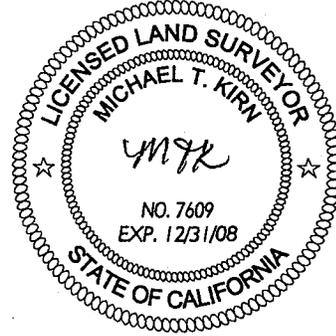
COMMENCING at the West Quarter-Corner of Section 17, Township 14 South, Range 21 East, Mount Diablo Base and Meridian, according to the Official United States Government Township Plat thereof; thence N 89°51'23" E, along the south line of the Northwest Quarter of said Section 14, a distance of 162.18 feet to the southerly prolongation of the east line of that certain Parcel of land conveyed to the City of Fresno by a Grant Deed recorded August 10, 1993 as Document No. 93120205, Official records of Fresno County; thence N 0°49'31" W, along said southerly prolongation, a distance of 47.00 feet to the southeast corner of said Parcel of land; thence N 0°49'31" W, along said east line, a distance of 8.00 feet to the TRUE POINT OF BEGINNING of this description; thence S 89°51'23" W, parallel with and 8.00 feet north from the south line of said Parcel, a distance of 91.08 feet; thence N 45°22'27" W, a distance of 19.72 feet; thence N 0°36'17" W, parallel with and 10.00 feet east from the west line of said Parcel and parallel with and 57.00 feet east from the west line of said Northwest Quarter, a distance of 221.65 feet to the northwesterly line of that real property conveyed to the City of Fresno by a Grant Deed recorded December 7, 1981 in Book 7825 at Page 536, Official Records of Fresno County; thence N 22°01'29" E, along said northwesterly line, a distance of 25.99 feet; thence S 0°36'17" E, parallel with and 67.00 feet east from the west line of said Northwest Quarter a distance of 241.25 feet; thence S 45°22'27" E, a distance of 11.48 feet; thence N 89°51'23" E, parallel with and 18.00 feet north from the south line of said Parcel described in said Document No. 93120205, a distance of 86.84 feet to the east line of said Parcel; thence S 0°49'31" E, along last said east line, a distance of 10.00 feet to the TRUE POINT OF BEGINNING.

Contains an area of 3,361 square feet, more or less.

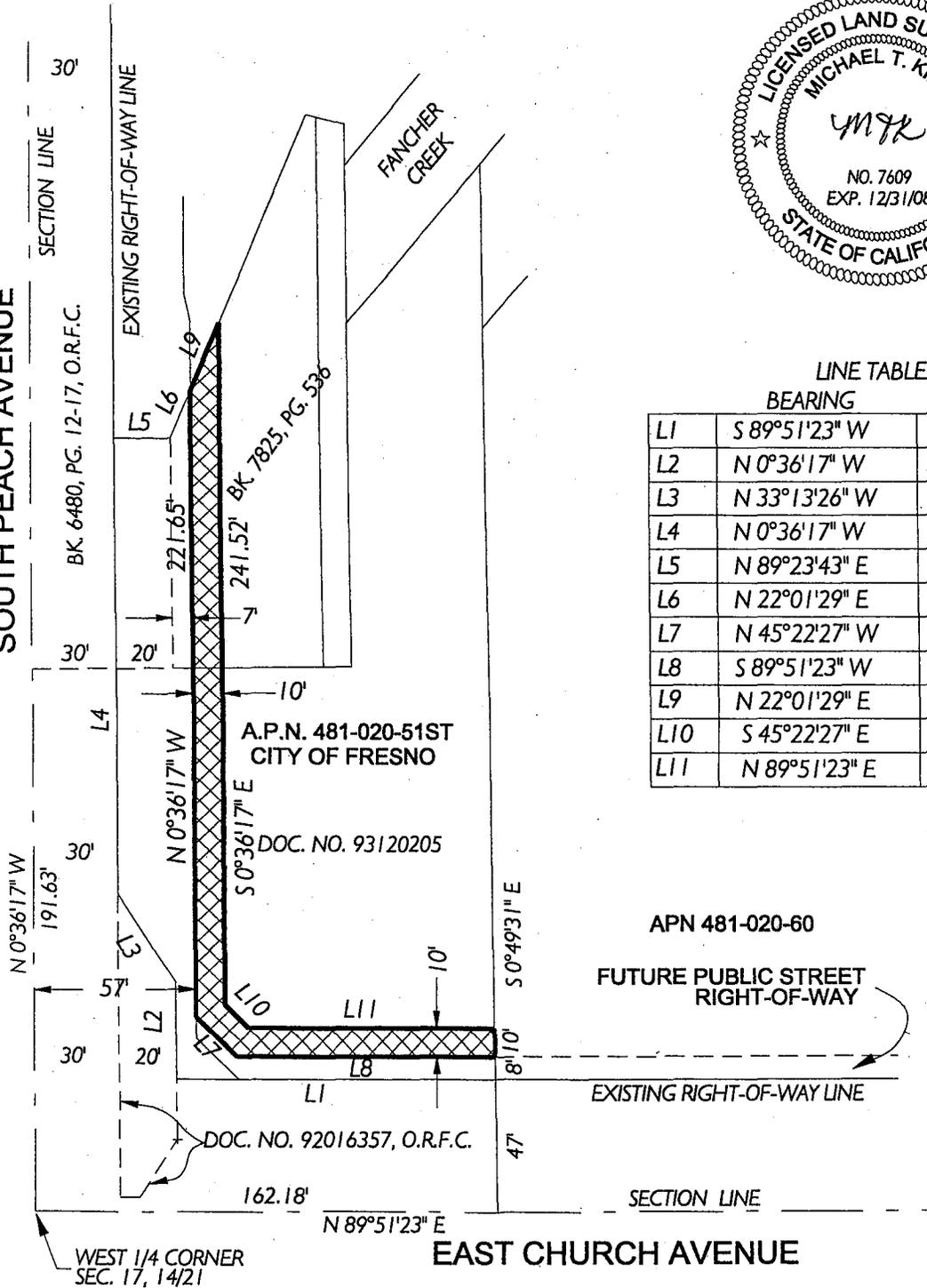


2006-188
15-A-
COF PUE DESCRIPTION FOR RESO.wpd

EXHIBIT "D"

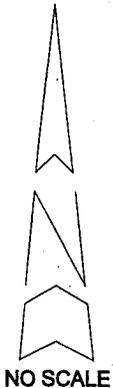


SOUTH PEACH AVENUE



LINE TABLE

	BEARING	LENGTH
L1	S 89°51'23" W	112.00'
L2	N 0°36'17" W	34.33'
L3	N 33°13'26" W	37.10'
L4	N 0°36'17" W	161.11'
L5	N 89°23'43" E	20.00'
L6	N 22°01'29" E	18.19'
L7	N 45°22'27" W	19.72'
L8	S 89°51'23" W	91.08'
L9	N 22°01'29" E	25.99'
L10	S 45°22'27" E	11.48'
L11	N 89°51'23" E	86.84'



INDICATES AREA TO BE DEDICATED
3,361 S.F. ±

X:\DATA\5235\City of Fresno property\COF PUE DRAWING FOR RESO.dcd

REF. & REV. 2006-188 PLAT 2964	CITY OF FRESNO DEPARTMENT OF PUBLIC WORKS	PROJ. ID. _____ FUND NO. _____ ORG. NO. _____
	CITY-OWNED PROPERTY TO BE DEDICATED AS AN EASEMENT FOR PUBLIC UTILITY PURPOSES	DR. BY <u>DHC</u> CH. BY <u>AJ</u> DATE <u>JULY 5, 2006</u> SCALE <u>NO SCALE</u>
		SHEET NO. <u>1</u> OF <u>1</u> SHEETS 15-A-8190